

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

In re: Valsartan, Losartan, and Irbesartan
Products Liability Litigation

HUMANA INC.

Plaintiff,

vs.

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICAL INDUSTRIES
LTD., ARROW PHARM MALTA LTD.,
ACTAVIS LLC, ACTAVIS PHARMA, INC.,
HETERO LABS, LTD., HETERO DRUGS,
LTD., HETERO USA INC., CAMBER
PHARMACEUTICALS, INC., AUROBINDO
PHARMA, LTD., AUROBINDO PHARMA
USA, INC., AUROLIFE PHARMA, LLC,
TORRENT PRIVATE LIMITED, TORRENT
PHARMACEUTICALS, LTD., and
TORRENT PHARMA, INC.

Defendants.

Master Docket No. 19-2875 (RBK/JS)

Civil Action No. 20-10170

Honorable Robert B. Kugler,
District Court Judge

NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANTS
PURSUANT TO FRCP 41(A)(1)

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Humana Inc. (“Humana”) hereby gives notice of its voluntary dismissal of its individual suit (Case No. 20-1017) against Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Arrow Pharm Malta Ltd., Actavis, LLC, Actavis Pharma, Inc., Hetero Labs, Ltd., Hetero Drugs, Ltd., Hetero USA Inc., Camber Pharmaceuticals, Inc., Aurobindo Pharma, Ltd., Aurobindo Pharma USA, Inc., Aurolife Pharma, LLC, Torrent Private Limited, Torrent Pharmaceuticals, Ltd., and Torrent Pharma, Inc. (collectively, the “Defendants”). Voluntary dismissal is appropriate because

Defendants have not yet served an answer or motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

As described in Special Master Order 60, Humana brought this action to preserve its claims during the pendency of a motion to certify a class of economic loss plaintiffs in *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation*, MDL No. 19-2875 (the “MDL”), given the uncertainty whether Humana would fall within the definition of a certified class. (ECF No. 29) (“SMO 60”). In SMO 60 the Special Master granted Humana’s request to stay this case pending further Order from the Court until that motion for class certification was resolved. (*Id.* at 5.) On February 8, 2023, the motion for class certification was granted in part, such that Humana is a member of the consumer economic loss class. MDL at ECF No. 2262. On January 31, 2024, the period for notice to class members and deadline to opt out of the class passed. *Id.* at ECF 2535. Humana has elected to remain a member of the certified classes and did not exercise its right to opt out of any class. Accordingly, this separate suit is no longer needed because Humana is “proceed[ing] as part of the class.” SMO 60, at 4.

Dated: March 7, 2024

Respectfully submitted,

s/ Benjamin E. Waldin
Benjamin E. Waldin
Sarah H. Catalano
EIMER STAHL LLP
224 South Michigan Ave.
Suite 1100
Chicago, IL 60604
Phone: (312) 660-7666
Fax: (312) 692-1718
bwaldin@eimerstahl.com
scatalano@eimerstahl.com

Counsel for Plaintiff Humana Inc.

CERTIFICATE OF SERVICE

I, Benjamin E. Waldin, hereby certify that on March 7, 2024, copies of the foregoing Plaintiff Humana Inc.'s Notice of Voluntary Dismissal of Defendants has been served via ECF upon all counsel of record in the Court's electronic filing system.

Dated: March 7, 2024

s/ Benjamin E. Waldin
Benjamin E. Waldin